

No. PD-0881-20

IN THE TEXAS COURT OF
CRIMINAL APPEALS

FILED
COURT OF CRIMINAL APPEALS
6/16/2021
DEANA WILLIAMSON, CLERK

CRYSTAL MASON,

APPELLANT

v.

THE STATE OF TEXAS,

APPELLEE

On Discretionary Review from the Second Court of Appeals of Texas, No. 02-18-00138-CR, Appeal in Cause No. 1485710D in the 432nd District Court of Tarrant County, Texas, the Honorable Ruben Gonzalez, Presiding

**STATE'S UNOPPOSED MOTION FOR EXTENSION OF TIME
TO FILE ITS RESPONSE TO APPELLANT'S BRIEF ON THE MERITS**

TO THE HONORABLE COURT OF APPEALS:

Pursuant to TEX. R. APP. P. 10.5(b), the State requests that the Court extend the time for filing the State's response to Appellant's brief on the merits by thirty days, creating a new due date of July 19, 2021. The following allegations are made in support of this motion:

I.

The trial court is the 432nd Judicial District Court of Tarrant County, Texas. The cause below was styled *The State of Texas v. Crystal Mason*, cause number 1485710D. The Hon. Ruben Gonzalez, Jr., presided.

II.

On March 28, 2018, the trial court found Appellant guilty of illegal voting and sentenced her to five years' confinement in the Institutional Division of the Texas Department of Criminal Justice. Appellant is not currently incarcerated.

Appellant timely filed her notice of appeal in the Second Court of Appeals on March 9, 2018, contesting the sufficiency of the evidence, the constitutionality of the Texas illegal voting statute, asserting that the Texas illegal voting statute is preempted by federal law, and alleging ineffective assistance of counsel.

III.

On March 19, 2020, the Second Court affirmed the trial court's judgment. *Mason v. State*, 598 S.W.3d 755 (Tex. App.—Fort Worth 2020, no pet. h.).

IV.

Appellant filed a notice of appeal on March 28, 2018. The reporter's record was filed on May 21, 2018, and the clerk's record was filed on July 24, 2018.

V.

Appellant filed her Petition for Discretionary Review on December 1, 2020. This Court granted review on March 31, 2021.

VI.

Appellants brief was due on April 30, 2021; however, this Court granted Appellant an extension, making her brief due on May 17, 2021.

VII.

The State's Brief is currently due on June 17, 2021. The State seeks an additional 30 days to file its brief, making the due date July 19, 2021. No previous extension of time has been sought.

VIII.

This extension is not sought for the purpose of delay, but rather is sought in the interest of justice and judicial economy. This case was originally briefed and

argued by an attorney who has since resigned. Current Counsel for the State has used his time familiarizing himself with the facts, laws, and issues involved in this case in order to ensure a just conclusion. Granting the Motion will not significantly delay submission of the cause.

WHEREFORE, PREMISES CONSIDERED, the State respectfully requests that the Court extend the time for filing the State's Brief on the Merits

Respectfully submitted,

SHAREN WILSON
Criminal District Attorney
Tarrant County, Texas

JOSEPH W. SPENCE
Chief, Post-Conviction

/s/ JOHN E. MESKUNAS
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Certificate of Conference

On June 15, 2021, Appellant's counsel, Thomas Buser-Clancy, informed me by e-mail that he does not oppose this motion for extension of time.

/s/ JOHN E. MESKUNAS
JOHN E. MESKUNAS

Certificate of Service

On June 15, 2021, this State's unopposed motion for extension was e-served on Appellant's counsel:

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/s/ JOHN E. MESKUNAS
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Automated Certificate of eService

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Associated Case Party: Crystal Mason

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